

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BURTON T. FRIED,

Plaintiff,

v.

LVI SERVICES, INC.; LVI PARENT CORP.,  
CODE HENNESSY SIMMONS LLC d/b/a CHS  
PRIVATE EQUITY V LP; APOLLO  
INVESTMENT CORP.; SCOTT E. STATE, in his  
official and individual capacities; BRIAN  
SIMMONS, in his official and individual capacities;  
RAJAY BAGARIA, in his official and individual  
capacities; GERALD J. GIRARDI, in his official  
and individual capacities,

Defendants.  
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No. 10 Civ. 9308 (JSR)


**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

**IT IS HEREBY STIPULATED, CONSENTED AND AGREED**, by and between Plaintiff, Burton T. Fried, and Defendants LVI Services, Inc. and LVI Parent Corp. ("Defendants"), that, pursuant to Fed. R. Civ. P. 41(a), the remaining cause of action in Plaintiff's amended complaint asserting a claim for retaliation under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 *et seq.*, relating solely to the termination of his daughter, Shari L. Dembin, is voluntarily dismissed with prejudice and without costs or fees to either party.

Dated: New York, New York  
October 19, 2011

**THOMPSON WIGDOR LLP**

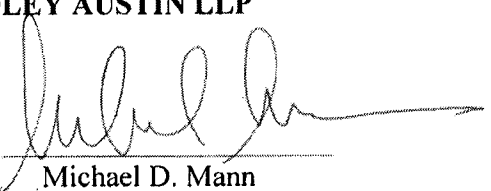
By: \_\_\_\_\_

  
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*Attorneys for Defendants*

SO ORDERED.

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Hon. Jed S. Rakoff, U.S.D.J.